F 17496

111

920

G R S. [X 5]

Previous references

Mun & Sep 96
Sls 1-10

1896-97
~~191~~
(Municipal)

File No. S&P

Serial Nos. 11-

Later references

Mun & Sep 96
Sls 21 28

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 11 - 20
~~Part~~ B for Sep, 03

SUBJECT.

Municipal Election Rules.

Ludlow.

Bryce

W D 68—GPB—50,000—24-7-18

2

~~abolished~~

be restricted with
operation to elected
members. A nomi-
- nated member is
entitled to hold office
for 3 years while
the term upon elected
members which is
only two. The Board
can practically
oust the Women by
appointment allo-
- ther, if ever time
a vacancy occurs
among the former,
Women by filling it
with a subject to
the approval of
Govt. (Section 30
6 of the Municipal
- Law) - Approval
cannot easily be
refused -

Yours Truly
[illegible]

Dec. 2/3/07

We cannot write that
case about about
except when an
appointment

need for any at-a
General ~~Election~~ election -
All other adjustments
must - when ~~to~~ ~~be~~ ~~fixed~~ with the
Board - This was never
contemplated -.

R? 2/3/07
1162

A

Jaspell

4/3/1901

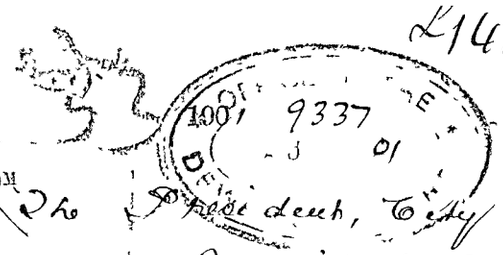
Please draft a ~~+~~ order as
requested - It need not
be argumentative. P

2/3/07

6/3/07

Drafted
Mch
4/3

L1480.



Municipality Mysore

To The Secretary to the Govt of Mysore

Dated
Despatched
Received 20th February 1901

General No. 570
No.

Enclosure No. 4

In reference to 583-92/1901

Soliciting instruction on the subject whether the Board or the President himself is to recommend one for the vacancy occurring the nominated Commissioners

L 7
25.2.01

Submitted. Please see para XIII of the election rules in GI 13 regulating the filling up of vacancies between 2 elections. In this the expression "the Member (of the Municipal Council) whose seat has become vacant" occurring in the latter (in appointed by Govt as well as one elected.

MD 23/2/01 (2nd

Mule
570 of 1901
11 Feb 26

Secy.

2nd para of the Regns and para XIII of the Rules both seem to require that recommendation shd be made by the Board and need of by Govt whether any is made by the elected or nominated members. Regs.
28/2/01.

Govt Notification No. GI 13 dealing chiefly with Elections (see the heading of the Order) says in para 13 that in case of a vacancy occurring among elected members, the Board can propose a successor. The Board has nothing to do with the appointment of nominated members, or with filling up vacancies occurring there. The Board does not come in the first instance. How then can it be done when there is a vacancy? The words "between two General Elections" clearly point to the intention of Govt that Rule XIII should

No. 57

Enc. No. -

MYSORE CITY MUNICIPAL PRESIDENT'S OFFICE,

Dated 20th February 1901 ~~189~~ .

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

I have the honor to state that the Revd W W. Holdsworth, a nominated Commissioner for Chamaraj Mohalla, has resigned his Seat as he has left the Station. One of the Municipal Commissioners has entered a proposition to nominate a member who may be recommended by the Board in his stead.

I request, therefore, that you will be good enough to obtain the orders of Government as to whether the Board is to appoint a Successor or the President to recommend one for Government Sanction, as is the

Rules contained in Government notification no 3973-4 / L.J. 17-96 dated 24th November 1896 and Section 5 of Municipal Regulations, would apply only to elected Members.

I have the honor to be,
Sir,
Your most obedient Servant
A.W.L. Hayes.
For Secretary

Mun.
50 of 96
12

54

Read -

Letter no. 570 dated the 20th Feb.y 1901 from the Presidt. of the Munl. Commr. Mysore City, stating that the Rev. W. H. Holdsworth, a nominated commissioner for Chamaraj Mohalla addressed his seat on the Munl. Board and soliciting instructions as to whether it was for the Board or for the President to propose a person to fill the vacancy

Order.

The existing Rules are clear on the point whenever a vacancy occurs among elected Munl. Commrs. between

R.L.1670

No. 1243-92 16 92/3/01.
L.J.17-96

n.s. Copy sent to P. Mysore etc. 20/3/01.

the dates of two general elections, owing to death resignation, removal or other cause, the Board is competent to fill up the vacancy, subject to the approval of Govt., as per Sec XIII of the Election Rules

~~But~~ the case of ~~a~~ nominated members is different, ~~& in this~~ however and ~~case~~, the Board has nothing whatever to do either with their appointment ~~of nominated members~~, or with filling up vacancies both of among them, ~~the Board~~ which ~~does not nominate or in the first instance~~ ~~restrict entirely with~~ Govt. The President may therefore propose ~~exclusive. A fortiori he cannot~~ a member to fill up the ~~does not where there is a vacancy~~ vacancy for the approval of the Govt.

Yes
7/3/01.

16/3/01 Yes

Secy
Orig 6/3/01

Yes
The Dist Mil Form ~~Anyone~~ Members of this Mil Boards.

Proceedings of the Government of Mysore, Local Boards Branch, Municipal, dated 16—20th March 1901.

READ—

Letter No. 570, dated the 20th February 1901, from the President of the Municipal Commission, Mysore City, stating that the Revd. W. W. Holdsworth, a nominated Commissioner for Chamraj Mohalla, has resigned his seat on the Municipal Board, and soliciting instructions as to whether it was for the Board or for the President to propose a person to fill the vacancy.

No. 12483-92—L. F. 17-96, DATED BANGALORE, 16—20TH MARCH 1901.

ORDER THEREON—The existing Rules are clear on the point. Whenever a vacancy occurs among *elected* Municipal Commissioners between the dates of two general elections, owing to death, resignation, removal or other cause, the Board is competent to fill up the vacancy, subject to the approval of Government, as per Section 13 of the Election Rules. The case of *nominated* members is, however, different and the Board has nothing whatever to do either with their appointment or with filling up vacancies among them, both of which rest with Government. The President may therefore propose a member to fill up the vacancy for the approval of the Government.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The President, Municipal Commission, Mysore City.
The Presidents of other Municipal Boards.

Exd.—C V.

1900-1901

GOVERNMENT OF MYSORE

LOCAL BOARDS BRANCH,
MUNICIPAL

PROCEEDINGS

Dated 16-20th March 1901

No $\frac{12483\text{-}92}{\text{L. F } 17\text{-}96}$

Observing that the Municipal Board of Mysore City has nothing whatever to do either with the appointment or with the filling up of vacancies among *nominated members*, both of which rest with Government

SBP—30 3-1901—200

L22

14756 1901

From 18-6-01.

The President, city and Commissioners

To

The Secretary to the Govt of Mysore

Dated Genl & Rev. Depts

Despatched } 14 to 15 June 1901

Received }

General No. 811

No.

Enclosure No. 2

Municipal.
50 996
13

In the Dams file 11734 & 9/1901

Submitting for orders the memo prepared by Mr M Venkatakrishniah Municipal Commissioner, together with the copy of the resolution

L 7
17 6 01

Rec'd 3.30 P.M. 20/6

Memo put-up
Mad
21/6

No. 811
Enc. No. 2

MYSORE CITY MUNICIPAL PRESIDENT'S OFFICE,
Dated 14th June 1901 ~~189~~ .

To

The Secretary to the Government
of Mysore
General and Revenue Department

SIR,

With reference to Government Proceedings no 12483-92/LD 17-96 dated 16/20 March 1901, observing that the Municipal Board of the Mysore city, has nothing whatever to do either with the appointment of or with the filling up of vacancies among nominated Members, both of which posts with the Government, I have the honor to state that Mr M. Venkatakrishniah, Municipal Commissioner, Chamaraj mohalla, brought a proposal before the Board requesting to move the Government to reconsider that above question the Board resolved that the memorandum prepared by the Commissioner, be submitted to Government for consideration and to make this reference in compliance with the request of the

Copy of their resolution together with
Copy of the memo is herewith Submitted.

I have the honor to be,
Sir,
Your most obedient Servant

H. Marion Hay
For President

mfh

55
a

To

The President
Municipal Board,
Mysore

Sir

Sometime ago the Rev W W Holdsworth, a nominated municipal Commissioner for Chamraj mohala left Mysore for England Mr H Krishna Rao, Commissioner, Deveraj mohala Submitted a proposal to the President that he would move at the meeting of the Board the nomination of Mr Chandrakharaiah to fill up the vacancy Caused thereby. The President thought that the filling up of the vacancy Caused by the resignation of a nominated member rested with himself and not with the Board & yet the difference of opinion existed, the President wrote to the Government asking whether the Rao

Sir

Board had power to appoint a nomi-
-nated member. The word "appoint"
occured in the proposal of Mr. A. Krishna
Rao and in the letter of the President
to the Government It is this unhappy use
of the word "appoint" that seems to have
led to the proceeding of the Government
which goes to say that the Board had
nothing to do whatever with the appointment
of nominated members.

The latter part of Section 5 of
the municipal Regulation runs as
follows. ——

"The Government of H.H. the maharaja
of Mysore, may also, if it thinks fit, on
the recommendation of the municipal
Board, add to its number and fill
up vacancies occuring in it The word
"vacancies" is used in a general
sense. It seems to apply to the
Vacancies Caused by the resignation
of the Elected Commissioners as well as
those Caused by nominated ones
Though the original appointments of
nominated Commissioners are made
by Government on the recommendation
of the President, the filling up of
Vacancies whether of nominated
Elected municipal Commissioners seems

intended to be made on the re-
-Commendation of the Board Para 13
of the Election Rules which says "that
whenever a vacancy occurs in Board
the remaining members of the Board
may fill up the vacancy" also goes
a great way to throw light on the
Provision of the Regulation quoted
above

It is an invariable rule —
observed in the Constitution of the
Boards as well as various kinds of
popular Institutions to insist upon
the first appointments being made
in a formal manner and to leave
the filling up of the vacancies to the
Boards or Institutions themselves I
think, that the Legislature had this
principle in view when they incorporated
the sentence quoted above with Section 5
of the Regulation I beg you will
kindly submit this letter to the Govern-
-ment for their reconsideration of the
question

I have the honour to remain
Sir
Your most Obedient Servant

Copy

(Sd) M Venkatachinthamaya
Member

Secretary —

For President

Extract from the Proceedings of the Mysore city municipal Board, dated 27th April 1901.

× × ×

XIV Proposal of mr m Venkata Krishniah, municipal Commissioner, that the Government be requested to reconsider their decision regarding the power of the Board in recommending a member to fill up a vacancy among the nominated Commissioners.

Resolved that the President be requested to submit the Memo prepared by mr Venkatakrishna to Government for their consideration.

× × ×

(sd) H. Ramanuja Iyengar
President

Honorary Secretary
For President

Mun.
50 & 96
14

(56)

To

The President of the
Municipal Commission
Bangalore City.

R.L 1116.

11734.
L.17-96 9/11/1902

Has the honour to request that the President will be good enough to report the practice prevailing in the Bangalore City in the matter of filling up ~~vacancies caused by~~ vacant seats on the Municipal Board caused by the resignation, death or departure of nominated municipal Commissioners, whether, it is the usual ~~practice~~ for the Board or for the President as representing the Govt to propose successors.

"By order"

13/1/1902
for S.

Rec'd 15/1/02

P. O

R.L. 1117

Memo No. 11734 1/2 9/6/1/1902
L.J. 17-96

Copy forwarded to the President of the Municipal Commission, Mysore City, with reference to his letter no. 811 dated the 14th June 1901, & with a request that the practice which prevailed heretofore in the Mysore City may be reported.

"By order"

Dewan's Order)

13/1/1902
For Secy.

Dy. 1/1/02

Mail
SO & 96
15

RECEIVED 9747 27 JAN. - 02 1902

L 1204

Mund:
50 of 96
16

From M. Ramaraya Iyengar Esqr
President City Municipality
Mysore

To M. V. Narjundayyah Esqr
M.A. M.L.
Secretary to the Govt:
of Mysore

Dated Genl and Rev Depts
Despatched 24th January 1902
Received
General No. 536
No.

Enclosure No.

L 7
27.1.02

A-S ch
27/1/02

Submitted. May this report from the President, Bangalore City Municipality be awaited.
29/1/02

The City municipal office
Dated 24th January 1902

No 536

From M. Ramanuja Iyengar Esqr
President City Municipality Mysore

To
M V. Vanjundayyah Esqr
Secretary to the Govt
of Mysore
General and Revenue Depts

Sir,

With reference to your memo
No 11734½/A & P 17-96 dated 16th January 1902,
requesting to be informed of the practice
which prevailed in the Mysore City Munic-
ipality, in the matter of filling up vacan-
cies on the Municipal Board caused by
the resignation, death or departure, of
nominated Municipal Commissioners,
I have the honor to state that there
have been no instances on record, of
such vacant seats having been filled
by the nominees of the Municipal Board

I have the honor to be,
Sir,
Your most obedient Servant
M Srinivasaraz
For President

K/P

9976 1898-99.

L4236

From

THE PRESIDENT,

Bangalore City Municipality.

To

THE SECRETARY TO THE

GOVERNMENT OF MYSORE,

General and Revenue Departments,

BANGALORE.

Dated 30th

Despatched January 1902.

Received

General No. 238.
No.

Enclosure No.

Secretary's docket No.
11734 dated the 16th Janr.
1897-96
regarding the practice
followed in the municipality
in filling up the vacant seat.
of nominated Commissioners.

Submitting the report called
for on the subject

L7
91.10

Recd & Memo Contd Mail
719

Office of the Municipal Commission,

City, Bangalore, 30th January 1902

No. L 58

From

THE PRESIDENT,

Municipal Commission,

BANGALORE CITY.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,

General and Revenue Departments,

BANGALORE.

Sir,

With reference to your Docket No. 11734 L.F 17-96 dated the 16th January 1902, I have the honor to state that in the matter of filling up vacant seats of nominated Commissioners the general practice in this Municipality is that the President recommends the Successor for appointment by Government without reference to the Board. The members of the Board are in an informal way consulted as to the

persons eligible for nomination, but the recommendation for nomination is the Presidents own.

I have the honor to be
Sir
Your most obed servant.

[illegible]
President.

(43)

Mint
80 of 96
18

R.L.291.

2368 / 2717-96 9/16/8/92
Encl

To the Government Advocate
in Mysore
Bangalore

From the Secretary
Board of Revenue

Sir,

I have the honour to forward herewith copy of letter No. 811 dt. 4th June 1892 from the President of the Immigration Commission, Mysore, stating that the Board have no objection to do with the appointment & with the filling up of vacancies among Inamdars, may be recommended (and to request the Govt Advocate to move the Court accordingly) with his opinion as to whether Rule XIII of the Inam Rules of 1858 was ultra vires from date of the

Municipal Regulations
are applicable only to
elected members or
to nominated members
also Act only refers
to elected

Regards

13/8/02

(Deputy Mayor)

for Ms
9/8/02

(64)

190

From The Govt. Secretariat
Mysore
Bangalore

To
THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 20/8/02

Despatched

Received

General No. 3d - 2017
No.

Enclosure No.

---

re the election & nomination of a member for a vacancy to take place among the non-official members.

Rec'd 30 Aug 02

References to be noted

Rec'd 30
Please put up papers relating to Revd Mr Thorpe elected as a member on the Board of Education 34 of 96 Govt of India

No. 31.

Office of the Government
Advocate in Mysore
Bangalore 20th August
1902

From

The Government Advocate
in Mysore

To

The Secretary to the
Government of Mysore
General & Rev. Depts

Sir,

(13) In reply to your letter No.
2368 - dated the 16th Instant,
C.F.17-96
I have the honor to state that as
per latter part of Section 5 of the
Municipal Regulation, the
Government of His Highness the
Maha Rajah of Mysore may
also, if it thinks fit, on the
Recommendation of the Municipal

Board, and to its number, and
fill up vacancies occurring in it.
As per Rule XIII of Election Rules,
When owing to death, resignation,
removal or other cause a vacancy
occurs among the Municipal
Commissioners between the dates
of two general elections, the remain-
ing Commissioners shall fill up
the vacancy subject to the approval
of Government by appointing a
person possessing the prescribed
qualifications, and the person so
appointed shall unless he is
removed by Government, be
entitled to hold office for the
unexpired portion of the period
for which the member vacating
the office would ordinarily have
remained in the office.
Section 5 of the Municipal Regulation

1 Upra

to both members appointed by the Government or appointed by election. The latter part refers to filling up vacancies occurring in the Board on the recommendation of the Municipal Board. This provision must necessarily refer to the vacancies occurring among members whether appointed by Government or nominated by election. Under proviso of Rule XIII, the latter part of section 5 empowers the Municipal Board to recommend to the Government members to fill up any vacancy occurring in it. Rule XIII also refers to the filling up of any vacancies and not a vacancy occurring only among the elected members.

I am therefore of opinion that the Board has power to make Recommendation for the filling up of vacancies among the nominated Members.

I have the honor to be
Sir,
Your most obedient Servant.
Jean Marie
Government Advocate

Mint.
50 of 96
20

11
27-7-03

No 629-30
A.F. (7-96.) 8/8/03

Order

Government having noticed in one of the recent communications from the President of the Municipal Commission, Bangalore City, a misapprehension regarding the tenure of office of the Municipal Commissioners appointed by them otherwise than in pursuance of an election, resolve to elucidate the law on the subject as follows:-

Commissioners appointed by Government (otherwise than in pursuance of an election) are entitled under section 3 of the Municipal Regulations to [illegible]

elected and accordingly appointed under section 4 are entitled to be in office for two years only. There is thus a distinction between nominated and elected Commissioners, the tenure of office of the former being three years and that of the latter two. The Notification No 5973-4 L.G. 17-96 dated the 24th Nov. 1896 deals chiefly with elections. A Commissioner appointed under rule XI thereof stands in the position of an elected Commissioner and vacates his office at the end of two years from the date of his appointment. Likewise an appointment made under Rule XIII to fill up a vacancy among elected Commissioners only during the unexpired portion of the term of

May this be read section 5?

~~Chairman~~ his successors declared elected in his stead at the next general elections

period for which the member vacating the office could ordinarily have remained in office. In other words, the Commissioner thus appointed ceases to be a Commissioner at the end of two years from the date on which, the person whose place he has taken, was appointed by election.

1/8/03

Print

31.VII.03

18/7/03

The Forest Dept. Commr.,
Bangalore City.

Proceedings of the Government of His Highness the Maharaja of Mysore, Local Boards Branch, Municipal, dated 5th August 1903.

No. 629-30—L. F. 17-96, Dated Bangalore, 5th August 1903.

Order.—Government having noticed in one of the recent communications from the President, Municipal Commission, Bangalore City, a misapprehension regarding the tenure of office of the Municipal Commissioners appointed by them otherwise than in pursuance of an election, resolve to elucidate the law on the subject as follows:—

Commissioners appointed by Government (otherwise than in pursuance of an election) are entitled under Section 3 of the Municipal Regulations to hold office for three years. Commissioners elected and accordingly appointed under Section 5 are entitled to be in office for two years only. There is thus a distinction between nominated and elected Commissioners, the tenure of office of the former being three years and that of the latter two. The Notification No. 5973-4—L. F. 17-96, dated the 24th November 1896, deals chiefly with elections. A Commissioner appointed under Rule XI thereof stands in the position of an elected Commissioner and vacates his office at the end of two years from the date of his appointment or as soon as his successor is declared elected in his stead at the next general elections. Likewise an appointment made under Rule XIII to fill up a vacancy among elected Commissioners endures only during the unexpired portion of the period for which the member vacating the office could ordinarily have remained in office. In other words, the Commissioner thus appointed ceases to be a Commissioner at the end of two years from the date on which the person whose place he has taken, was appointed by election.

H. V. NANJUNDAYYA,
Secy. to Govt. Gen. & Rev. Depts.,

To—The President, Municipal Commission, Bangalore City.
The President, Municipal Commission, Mysore City.

Exd.—C.V.